

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF OKLAHOMA

GLEN EARL FOLSOM,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-17-1024-D
)	
CHANDRA GRICE,)	
)	
Defendant.)	

ORDER

This matter is before the Court for review of the Third Supplemental Report and Recommendation [Doc. No. 66] issued by United States Magistrate Judge Gary M. Purcell pursuant to 28 U.S.C. § 636(b)(1) on August 2, 2018. Liberally construing a *pro se* motion filed by Plaintiff [Doc. No. 60], Judge Purcell finds that Plaintiff's filing should be treated as a motion for preliminary injunctive relief under Fed. R. Civ. P. 65 and denied.

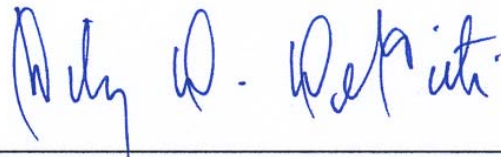
Plaintiff has filed an untimely objection [Doc. No. 71] to the Third Supplemental Report. With it, however, Plaintiff has submitted an affidavit stating facts to show that events and circumstances beyond his control prevented him from meeting the deadline to object. Under these circumstances, the Court finds that Plaintiff's untimeliness should be excused and that his objection should be considered. The Court must make a *de novo* determination of portions of the Report to which a specific objection is made, and may accept, modify, or reject the recommended decision. See 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b)(3).

Upon consideration of Plaintiff's objection, the Court finds no factual or legal basis to support the injunctive relief sought by Plaintiff's "Motion for Help" [Doc. No. 60]. Plaintiff complains of conditions at his current place of incarceration, and requests "legal help from law library" and "medical help" with various issues. *See* Motion, at 1-2. For the reasons ably explained by Judge Purcell in the Third Supplemental Report (and in prior reports regarding similar motions), the Court finds that Plaintiff has not shown his requests are appropriate for injunctive relief in this case. The Court therefore finds that Plaintiff's motion should be denied.

IT IS THEREFORE ORDERED that the Third Supplemental Report and Recommendation [Doc. No. 66] is ADOPTED.

IT IS FURTHER ORDERED that Plaintiff's Motion for Help [Doc. No. 60], which is construed as a motion for injunctive relief, is DENIED.

IT IS SO ORDERED this 31st day of August, 2018.



TIMOTHY D. DEGIUSTI
UNITED STATES DISTRICT JUDGE